

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL JOHN GADDY,
Plaintiff,
v.
M. TOWNSEND, et al.,
Defendants.

Case No. [16-cv-01319-HSG](#)


**ORDER REOPENING CASE AND
VACATING JUDGMENT; SETTING
BRIEFING SCHEDULE**

Plaintiff, a prisoner incarcerated at Kern Valley State Prison and proceeding *pro se*, filed this civil rights action under 42 U.S.C. § 1983. On August 16, 2017, the Court granted Defendants' motion for summary judgment, and entered judgment in favor of Defendants. Dkt. Nos. 34 and 35. Plaintiff appealed. Dkt. No. 36. On March 27, 2018, the Ninth Circuit found that it is unclear from the record why defendants refused to correct the error contained in the first level response. Dkt. No. 41. The Ninth Circuit reversed and remanded for further proceedings. *Id.*

Accordingly, the Court REOPENS the instant action and VACATES the August 16, 2017 judgment. The Court DIRECTS the parties to file simultaneous briefs addressing whether Defendants' refusal to correct the error contained in the first level response of Plaintiff's inmate appeal PBSP-S-14-03014 constituted retaliation, in violation of the First Amendment. Each brief shall not exceed fifteen (15) pages, and shall be filed by June 11, 2018. The parties may supplement the record with any evidence needed to support their briefs. The parties may file responsive briefs, which shall not exceed seven (7) pages, by July 6, 2018.

IT IS SO ORDERED.

Dated: 4/13/18


HAYWOOD S. GILLIAM, JR.
United States District Judge